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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/28/2001

Brian J. Petryna

PETRYNA 8

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11/03/2005

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,783

Applicant(s)

PETRYNA, BRIAN J.

Examiner

Andrew C. Lee

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2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott et al. (US 6760324 B1).

Regarding claims 1, 8, 15, Scott et al. discloses the limitation of a system, method, computer for automatically initiating a telephone call over a computer network (Abstract, lines 1 – 6; Fig. 2, elements 202, 205, 207, 210, 215, 220, 205, 291), comprising: an address interceptor (Fig. 2, elements 210, 220; Fig. 3A, element 210), associated with a station of a circuit-switched telephone network (Fig. 2, elements 220, 210; column 11, lines 45 – 55), that receives calling number identification signals from said circuit-switched telephone network via a first telephone call (column 1, line 67; column 2, lines 1 – 2; column 56, lines 45 – 60) and extracts therefrom a destination address for a subsequent telephone call (column 59, line 60 – 66; column 61, lines 41 – 45); and a network call initiator (Fig. 2, elements 210, 220; Fig. 3A, element 210), coupled to said address interceptor and associated with a computer network terminal (Fig. 3A, element 210, lines 12 – 22; column 69, lines 60 – 66), that employs said

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destination address to automatically initiate said subsequent telephone call to said destination address via said computer network terminal (Abstract, lines 11 – 17; column 65, lines 17 – 19; lines 25 – 55; column 70, lines 15 – 35).

Regarding claims 2, 9, 16, Scott et al. discloses the limitation of a system, method, computer as recited in claimed wherein said calling number identification signals and said destination address are associated with a single location (column 2, lines 15 – 22; column 11, lines 45 – 50).

Regarding claims 3, 10, 17, Scott et al. discloses the limitation of a system, method, computer as recited in claimed wherein said destination address is selected from the group consisting of: a telephone number (column 69, lines 37 – 41; column 70, lines 2 – 8), an Internet Protocol address (column 39, lines 16 – 17), a Voice over Internet Protocol (VoIP) gateway address (column 11, line 52; column 74, lines 3 – 5), and a VoIP gateway address combined with a telephone number (column 73, lines 41 – 56; lines 66 – 67; column 74, lines 1 – 5).

Regarding claims 4, 11, 18, Scott et al. discloses the limitation of a system, method, computer as recited in claimed wherein said computer network is the Internet (Fig. 1B, element 120; Fig. 2, element 215; column 1, lines 56 – 57).

Regarding claims 5, 12, 19, Scott et al. discloses the limitation of a system, method, computer as recited in claimed wherein said station leaves unanswered a call transmitting said calling number identification signals (column 53, lines 43 – 47).

Regarding claims 6, 13, 20, Scott et al. discloses the limitation of a system, method, computer as recited in claimed wherein said calling number identification

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signals are associated with a second station, said second station hanging up after a predetermined number of unanswered rings (column 50, lines 43 – 46; column 53, lines 43 – 47).

Regarding claims 7, 14, 21, Scott et al. discloses the limitation of a system, method, computer as recited in claimed wherein said station and said computer network terminal are embodied in a computer (Fig. 2, elements 210, 220; column 6, lines 38 – 42) and wherein a single telephone line alternatively couples said station to said circuit-switched telephone network (Fig. 2, elements 201, 202, 205; column 48 – 34 – 37) and said computer network terminal to said computer network (Fig. 2, elements 293, 215; column 48, lines 28 – 32).

Response to Arguments

3. Applicant's arguments with respect to claims 1 – 21 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 1, 8, 15, Applicant argues reference Scott et al. do not disclose claimed automatically initiating a telephone call over a computer network including extracting a destination address for a subsequent telephone call from calling number identification signals received from a circuit-switch telephone network via first telephone call and also employing the destination address to automatically initiate the subsequent telephone call to the destination address via the computer network. Examiner interprets them as a Volp system relying on gateways to provide an interface between PSTN and IP networks.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

Oct 28, 2005


Ajit Patel
Primary Examiner